

## **SECTION C**

# **NON-RESIDENTIAL SITE PLAN REVIEW REGULATIONS**

### **Purpose**

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all site plans for the development of tracts of land for all uses other than one and two family residential, prior to the issuance of a building permit, whether or not such development includes a subdivision or re-subdivision of land, and to assure that minimum standards will be attained so as to provide for and protect the public health, safety and general well being, in accordance with NH RSA 674:43.

In addition the Planning Board, when considering applications for public utility structures may, under RSA 674:30A (II), designate a Building Official of the Town, empowered to waive specific requirements of a Non-Residential Site Review, as its agent. A public hearing shall be held if requested by Abutters, the applicant or the Planning Board.

### **General Standards**

In the review of any non-residential site plan conducted under these regulations, the Planning Board shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

1. Traffic circulation and access including adequacy of adjacent streets, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.
2. Pedestrian and bicycle safety access.
3. Off street parking and loading
4. Emergency vehicle access, including review by Fire Department, Police Department and Highway Department.
5. Storm-water drainage, based upon a 10-year storm intensity occurrence, utilizing on-site absorption wherever practical, and taking into account the contour of the land.
6. Water supply, wastewater disposal and solid waste disposal.

7. Environmental factors such as pollution, noise, odor and protection of natural land features.
8. A landscape plan in keeping with the general character of the surrounding area.
9. Signing and exterior lighting.
10. Conformance with all existing codes.
11. Cooperation with the Planning Objectives of the Town, i.e. regarding green areas, scenic setbacks, easements, etc.

In addition the Planning Board shall review the site plan to assure compliance with the provisions of the Zoning Ordinance and the minimization of encroachment on neighboring land uses.

### **Submission Procedure**

All applications made to the Planning Board for Non-Residential Site Review shall be submitted to the Office of the Zoning Administrator at least thirty (30) days prior to the date of a Planning Board meeting at which the applicant or his agent wishes to appear.

Applications and plans will be reviewed by the Zoning Administrator for conformance with site review requirements and must be accompanied by a completed application form, six (6) copies of the plan, a complete list of abutters, a stamped self-addressed envelope, and the payment of a fee as per approved schedule of fees.

Applicants will be notified in writing of any deficiencies which must be corrected in order to be placed on a Planning Board agenda for Planning Board acceptance and formal consideration.

After such notice, the applicant may revise the plan/s. The revised plan, which may provide the information required by site review regulations, as reflected on appropriate checklist, shall be resubmitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant wishes to appear. Approval of State agencies is not mandatory for an application to be considered but such approvals must be provided as a condition of final approval.

Adherence to these requirements will place completed applications on the next available Planning Board agenda for acceptance and formal consideration, within constraints imposed by the number of applications received. Assignment to agenda will be in order of receipt. 6-19-85

### **Submission Requirements**

When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information.

1. A fully executed and signed copy of the application for site plan review and fee payment.
2. Six (6) copies of site plan drawn to scale sufficient to allow review of the items listed under the preceding general standards, but not more than fifty (50) feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
  - a. Owners name, address and signature.
  - b. Names and addresses of all abutting property owners according to the Town tax records.
  - c. Sketch map showing general location of the site within Town.
  - d. Boundary of the entire parcel held in single ownership regardless of whether all or part is being developed at this time.
  - e. The bearing and distances of all property lines and the source of this information.
  - f. Zoning classification(s) of the property and the location of the Zoning boundaries if the property is located in two or more zones.
  - g. Soil types and location of soil boundaries as certified by the Hillsborough County Conservation District.
  - h. The location of all building setbacks required by the Zoning Ordinance.
  - i. The location, size and character of all signs and exterior lighting.
  - j. The lot area of the parcel, street frontage and the Zoning requirements for minimum lot sizes and frontage.
  - k. The location of all existing and proposed buildings, (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, and large trees, open drainage courses, service areas, easements and landscaping.
  - l. The location of all buildings within fifty (50) feet of the parcel to be developed and the location of intersecting roads or driveways within two hundred (200) feet of the parcel.
  - m. A storm water drainage plan showing:
    - 1) The existing and proposed methods of handling storm water runoff.
    - 2) The direction of flow of the run-off through the use of arrows
    - 3) The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
    - 4) Engineering calculations used to determine drainage requirements based upon a 10 year storm frequency, if the project due to such factors as the amount of new impervious surfaces (such as pavement and building areas) being proposed.
  - n. Existing and proposed topography of the site at 2 foot contour intervals.

- o. A utility plan showing provisions for all existing and planned utilities on the site.
- p. A buffer zone of dense planting where the site abuts a zone boundary.
- q. Location of Monitoring wells. All wells to be sampled yearly and environmental report submitted to the Town (unless otherwise specified by the planning Board). All baseline data shall be submitted to the Town prior to the issuance of any building permits.
- r. All site plans show the location, type, and size of all trees over five inches (5") in diameter and located from the edge of the existing traveled way to a point fifty (50) feet back from the Town or State ROW line; and from five (5') feet outside the sideline property lines to thirty (30') feet inside the property lines for a distance of one-hundred (100) feet back from the ROW line. (8-15-01)
- s. All site plans shall be submitted with three copies of 8" x 10" 60"0 photographs of the site taken from across the abutting street (about and taken from: a. Directly opposite the site; and b. Diagonally opposite each corner of the site. (8-15-01)
- t. As part of the Site Plan submittal all applicants are required to have one sheet of the set of plans showing the proposed construction reduced to no larger than 11" x 17" with no less than ten (10) copies. (8-15-01)

3. Copies of any proposed or existing easements, covenants, deed restrictions, etc.

4. Copies of all applicable State approvals and permits:

- a. Approval of the New Hampshire Water Supply and Pollution Control Commission of any proposed septic System/s, or additions to septic systems as may be required.
- b. Approval of the New Hampshire Special Board and the Zoning Board of Adjustment for the relocation, filling, dredging or rechanneling of any natural or man-made drainage area.
- c. Approval of the New Hampshire Department of Public Works and Highways or Board of Public Works for any required driveway permits or curb cuts.

5. The Planning Board may require the posting, prior to final approval of any plans, of a bond or escrow agreement in such amount as is approved by the Board as being reasonably necessary to ensure completion of all improvements required as conditions of approval of such plan, in such form as may be approved by the Board and Town Counsel.

6. The Planning Board may require the owner or his authorized representatives to fund any professional review of a site plan or bear reasonable off-site improvement costs when it has been demonstrated that these costs will occur as a result of and are connected in any way with the proposed development. 2-90-91

## **7. Groundwater and/or Surface water monitoring**

data per procedures described below:

### **A. Groundwater Monitoring:**

Groundwater monitoring wells shall be installed as required by the Planning Board in accordance with accepted installation procedures. A minimum of one up gradient and one down gradient will normally be required. Baseline monitoring of all wells shall be performed using the following methods or their equivalent.

- |   |                                 |                 |
|---|---------------------------------|-----------------|
| · | Volatile organic compounds      | SW846 8260      |
| · | Semi-volatile organic compounds | SW846 8270      |
| · | Total metals                    | SW846 6010/7471 |

Well sampling is to be performed in accordance with the procedures found in SW846 and the analysis shall be performed by state certified laboratory. All samples will be collected as “zero head space samples” in sterile containers, packed in ice and delivered to the laboratory within 12 hours for analysis.

### **B. Surface Water Monitoring:**

Surface water quality sampling will be conducted at least once per year during August or September within twelve hours of a .5” storm event. Samples are to be taken from detention/retention ponds, treatment swales or at a point of discharge from the property. All samples will be collected as “zero head space samples” in sterile containers, packed in ice and delivered to the laboratory within 12 hours for analysis. Analysis is to be performed by a State Certified Lab and will consist of the following methods or their equivalent:

- |   |                                 |                 |
|---|---------------------------------|-----------------|
| · | Volatile organic compounds      | SW846 8260      |
| · | Semi-volatile organic compounds | SW846 8270      |
| · | Total metals                    | SW846 6010/7471 |

Recommended surface water analysis:

- |   |                         |            |
|---|-------------------------|------------|
| · | Nitrates                | EPA 353.3  |
| · | Chlorides               | SW846 9252 |
| · | Total Kjeldahl Nitrogen | EPA 351.3  |
| · | TOC                     |            |

### C. Reporting:

Unless otherwise required by the Planning Board as a condition of site plan approval, a baseline groundwater monitoring report shall be submitted to the Zoning Administrator prior to the issuance of a Certificate of Occupancy. The report shall contain well specifications and installation data, boring logs, laboratory analytical reports, and the plan showing the location and identification of each well or sampling point. Copies of all annual water quality analysis reports will be submitted to the Town of Amherst Zoning Administrator by October 31 of each year.

### D. Sampling Frequency:

Groundwater monitoring and surface water monitoring, including retention and detention ponds, swales, and other run off areas, shall be conducted annually. If after the first year of analysis, the groundwater sampling results show no degradation of groundwater quality in relation to the baseline results, the monitoring program may be modified to reduce sampling frequency after approval of the Planning Board.

4-5-97 ( 5-7-97)

## **8. Landscaping Standards (adopted May 17, 2000)**

### Purpose:

- a. Diminish potentially adverse impacts of structures, lighting glare, noise, wind velocities, and odors which could result from permitting widely varying land uses on adjacent parcels.
- b. Insure adequate buffer between neighboring parcels to preserve and protect neighboring properties.
- c. Promote aesthetically pleasing relationship of scale between buildings and their natural surroundings.
- d. Reinforce visual image of Amherst's "tree lined street", through the planting of native shade trees along roadways, installation of underground utilities, and design of "monument or pedestal" signage rather than "pole" signage.
- e. Encourage "pedestrian friendly" environment with sidewalks, barrier-free street crossings, public benches, and bicycle racks.
- f. Provide visual and climatic relief from broad expanses of pavement and define logical areas for pedestrian and vehicular circulation.
- g. Retain mature vegetation in place or transplant and reuse it on site to the greatest feasible extent.

### 8.1 Street Tree Landscape Strip

- a. 50' wide strip parallel to public ROW and continuous along entire length of frontage; minimum one shade tree per 40' frontage; minimum 3" caliper. may substitute one new tree for each existing tree over 3" caliper preserved within strip.
  - b. Minimum tree height equal to  $\frac{1}{2}$  proposed building height.
  - c. Buffer strip should include a combination of deciduous and/or evergreen trees and shrubs, grass, fences, berms and walls.
- 8.2 Use plans that are characteristic of the region in natural masses.
- a. Masses of three or more trees appear more natural because they are typically massed in nature.
  - b. The appropriate choice of plant species ensures survival.
  - c. Plants suitable for roadside and parking lot conditions:

Botanic Name:

Common Name:

**Shade Trees:**

Acer Platanoids  
 Acer Rubrum  
 Quercus palustris  
 Fraxinus pennsylvanica  
 Quercus rubra (borealis)  
 Tilia cordata greenspire  
 Zelkova serrata  
 Ulmus Americana  
 Olatanus SPP

Crimson King  
 Red Maple  
 Pin Oak  
 Green Ash  
 Red Oak  
 Littleleaf Linden  
 Japanese Zelkova  
 American Elm  
 Sycamore

**Ornamental Trees:**

Cornus spp.  
 Malus spp.  
 Prunus spp.  
 Pyrus calleryana  
 Amelanchier Canadensis

Dogwood  
 Crabapple  
 Flowering Cherry  
 Callery pear  
 Service berry

**Evergreen Trees:**

Picea pungens  
 Pinus nigra  
 Pinus strobus

Colorado Spruce  
 Austrian Pine  
 White Pine

Thuja occidentalis  
Tsuga canadensis

Eastern Arborvitae  
Canadian Eastern Hemlock

**Evergreen Shrubs:**

Ilex spp.  
Juniperus spp.  
Kalmia latifolia  
Rhododendron spp.  
Taxus spp.

Holly  
Juniper  
Mountain Laurel  
Rhododendron  
Yew

**Deciduous Shrubs:**

Azalea spp.  
Cornus spp.  
Cotoneaster spp.  
Euonymus spp.  
Forsythia spp.  
Myrica pensylvanica  
Syringa spp.  
Viburnum spp.

Azalea  
Dogwood  
Cotoneaster  
Euonymus  
Forsythia  
Northern Bayberry  
Lilac  
Viburnum

For more detailed list of recommended trees, see; Selecting Trees For Urban Landscape Ecosystems. NH Department of Resources and Economic Development, 1994.

8.3 Use a variety of species to assemble new landscaping masses.

- a. Create visual depth in plant massings by layering plants of various textures, sizes and colors.
- b. Include flowering or fruiting species for color, interest and wildlife habitat where appropriate.

8.4 Integrate existing mature trees and vegetation into the landscape plan.

- a. Preserve the function of existing vegetation, such as groves of trees that separate land uses or provide a natural backdrop for development.

8.5 Use plantings to enhance the relationship of buildings to their surroundings.

- a. Layered plantings soften edges and corners and reduce the scale of buildings in the landscape.



- b. Masses of trees and vegetation near buildings reduce the perceived scale of buildings and set them into the landscape.
- c. Trees should be a minimum of 3” inches in diameter at the time of planting.
- d. Consider plant massing along with architectural massing during the design process.
- e. Balance the mass, proportion and rhythm of landscape and building elements.

*Minimize lawn area, as most lawn grasses require supplemental irrigation and regular applications of fertilizer to stay green.*

- f. Where lawn is necessary, favor fescues and other drought tolerant species.

## 8.6 Parking Areas

- a. Planting islands should be used to define vehicular and pedestrian circulation patterns and to break up large expanses of pavement. In general, islands should be distributed throughout the parking lot. A combination of end cap islands and linear islands running parallel to parking rows are preferred. Islands should include trees and be planted with either grass or evergreen shrubs.
- b. There shall be landscaped open space within the parameter of the parking areas in the minimum amount of 5 % of the gross parking area.
- c. Break parking areas into sections not to exceed 140 cars; separate sections by landscaped buffers with combination of divider and terminal islands.
- d. Provide minimum area of 200 sf per landscaped island and at least one tree per island; trees must be minimum 4’ from curbing.
- e. Divider islands — Provide at least one island for every four parking rows at least 10 ft. wide; space trees not more than 50 ft. apart in each contiguous landscape area; or provide one tree per 200 sf of ground area.
- f. Terminal islands — Provide at ends of parking rows at least every 25 spaces; provide at least two trees per island and evergreen shrubs 3’ on center, or grass/ground cover with approval of Planning Board. All landscape areas shall contain shrub and ground cover plantings. They may not be totally covered with mulch.

## 8.7 Adjacent Buildings

- a. Provide minimum 10' deep area with trees and shrubs around building sides with public access.

#### 8.8 Signage Landscape Strip

- a. Require minimum 4' wide area around each free standing sign.
- b. Existing vegetation which is preserved may be substituted for required plantings.

#### 8.9 Screening of unsightly features

- a. Must locate storage/stockpile areas out of view of public or in screened area: fenced enclosure required.
- b. Must locate loading docks/receiving areas out of view or in screened area.
- c. Minimum one evergreen tree per linear foot of screen perimeter; minimum tree height equal to 1/2 maximum height of items to be screened.
- d. May substitute enclosure with material compatible with principal structure for screening requirements.

#### 8.10 Maintenance

- a. Landscaping must be maintained in good condition.
- b. Provide permanent water supply system (sprinkler or hose bibs)
- c. Provide maintenance bond for one year.
- d. A note shall be provided on the plan stating "All conditions on this plan shall remain in effect for perpetuity."

#### 8.11. Preparation of a Landscape Plan: (9.17.03)

A Landscape Plan shall be prepared in sufficient detail to indicate compliance with these regulations. The Plan shall be prepared by a Professional Landscape Architect who is licensed by any State, or is certified by the Council of Landscape Architectural Registration Boards (CLARB), or who is a full member of the American Society of

Landscape Architects (ASLA). The Landscape Architect shall sign and appropriately endorse the Plan as a requirement for a complete Site Plan application. The Planning Board may waive the requirements of this section where the overall cost of site improvements and building are less than \$ 500,000.

The Landscape Plan shall be prepared to include the following certification:

I \_\_\_\_\_, hereby certify that I am the designer of this Landscape Plan, and that I am a Landscape Architect licensed by the State of \_\_\_\_\_ and/or I am a member of/certified by the \_\_\_\_\_.

#### 9. Outdoor Lighting Guidelines (5-17-00)

Purpose:

*Design outdoor lighting to provide a uniform distribution of light without compromising safety and security.*

- a. Areas of high pedestrian and vehicle use should maintain a minimum footcandle of 1.0 measured four feet above the ground surface at the point of least illumination and a maximum foot-candle of 7.0, measured four feet above ground surface directly beneath the light source.
- b. The intensity of light fixtures should be restricted to 250 watts, with metal halide lamps recommended for parking areas.

*The total cutoff of light should occur within the property lines of the parcel to be developed*

- c. Parking areas should have light fixtures that have a total cutoff of all light at less than 90 degrees and a beam cutoff of less than 75 degrees.
- d. Attached building or wall pack lighting should be screened by the buildings architectural features or contain a 45 degree cutoff shield.

*Select lighting and posts that are complementary to the general architectural style of the development and surrounding neighborhood.*

- e. Lighting manufacturers carry fixtures ranging from contemporary to period styles designed to enhance the visual qualities of the development they serve without significantly adding cost.

*Select light poles that are in scale with proposed or surrounding buildings.*

- f. The maximum light fixture height for properties shall be 20 feet.

g. For pedestrian walkways and plazas, consider using lights in bollards (3 to 4 foot high posts) where appropriate.

*Lighting should not conflict with shade trees within landscaped islands.*

h. Select lower mounting heights, below the canopy of trees, rather than high mounted fixtures which may create shadows or dark spots.

i. Spacing of light poles in parking areas should be staggered rather than aligned, to maintain a uniform distribution of light.

j. In all cases, light poles should be located within landscaped islands for safety and aesthetic reasons.

10. All requests for waivers shall be filed with the application 30 days in advance of the meeting. The waiver(s) requested shall be identified and an explanation of the request(s) provided. (5-17-00)

11. Before any certificate of Occupancy or temporary certificate of occupancy is issued the Planning Board shall hold a public hearing to determine that the improvements shown and conditions of approval have been substantially satisfied. The applicant shall provide the Planning Board with an as-built plan of the improvements at the same scale as the original plan, seven contact prints and two mylar copies to be used as overlays. The applicant is responsible for all required data to notify abutters, including appropriate fees. This regulation shall not apply to subdivisions of single family homes. All applications shall be filed no later than 20 days before the requested meeting. (5-17-00)

12. All construction sites, including residential and non-residential, shall provide suitable containers to hold construction debris. Owners and contractors shall be responsible for keeping construction sites clean of debris and trash. (5-17-00)

13. Site plans shall contain a note stating that the landscaping will be kept in good condition and that dead shrubs, trees, and similar items shall be replaced. (5-17-00)

#### 14. PARKING SPACE REQUIREMENTS ( Moved from Zoning 3.6.03)

A. The following parking spaces shall be provided and maintained by the owner/developer of a property for each proposed new or altered building, or other uses which may not include buildings or structures.

1. Residential use - 2 per unit

2. Commercial use:

Offices - 4 per 1000 square feet gross floor area

Retail - 5 per 1000 square feet gross floor area

Shopping Center - 6 per 1000 square feet gross floor area  
Restaurant - .5 per seat + .3 per employee  
Hotels, motels - 1 per rented room

3. Industrial use - 1 per 600 square feet manufacturing area
4. Auditorium, theater - .3 per seat
5. Church - .3 per seat
6. College/University - .5 per student + 1 per staff
7. Senior high school - .3 per student + 1 per staff
8. Elementary & Junior high school - 1 per classroom and 1 per staff
9. Hospital - 1.5 per bed.

B. All parking spaces shall be on the same lot with the proposed building or use or on a lot within 500 feet of the proposed building or use.

C. Parking space requirements not specifically mentioned in this Ordinance shall be determined by the Planning Board in the exercise of the authority granted to it pursuant to site review regulations.

## **SECTION II**

**November 5, 1997**

### **UNDERGROUND STORAGE TANKS**

**I.** The minimum standard for non-residential underground storage tanks within the Town of Amherst is a fiberglass-coated or cathodic protected, 360 degree double-walled steel tank.

A. The underground storage tank shall meet the standards set forth by New Hampshire Code of Administrative Rules Part WS 411 and the Town of Amherst regulations for:

#### **1. Label requirements**

- a. Standard of design by which the tank was manufactured.
- b. Year in which the tank was manufactured.
- c. Dimensions and capacity of tank.
- d. Name of manufacturer.
- e. Date of installation.
- f. Petroleum products identified which may be stored and percentage by volume of petroleum products which may be permanently and compatibly stored within.

2. Wear Plates
  - a. Must be at a minimum of 12 inches by 12 inches.
  - b. Constructed of 10 gauge steel or heavier.
3. The tank must be certified pressure tested by the manufacturer for tightness.
4. Fabrication standards must meet all New Hampshire State Regulations.  
The thickness of the resin/fiberglass coating applied to the exterior double-walled steel tank shall be a minimum of 100 mils after  
or the  
curing.  
  
shall
  - a. The coating shall possess a coefficient of thermal expansion which is compatible with that of steel, such that the coating maintain its bonding capability with the steel tank.
  - b. The coating shall be of sufficient strength to maintain its impermeable characteristics under normal conditions.
  - c. The coating must be non corrosive under electrolytic or chemical exposure and must be compatible.

**II.** The minimum standard for Secondary Containment for underground storage tanks within the Town of Amherst in addition to the fiberglass-clad, double walled steel tank is an impervious synthetic liner.

A. The secondary containment barrier must meet the standard set forth by the New Hampshire Code of Administrative Rules Part WS411 and the Town of Amherst requirements. The barrier must be a petroleum insert synthetic membrane liner, 100 mils thick or membrane liner which will provide equivalent protection, installed in accordance with manufacturer's regulations.

B. The backfill must be a homogeneous sandy material, neutral/non-corrosive in nature.

C. All tanks must be anchored to resist buoyant forces in high groundwater locations and soil shifting in dry, well drained areas, in such a way as not to damage the liner.

D. The site shall be capped with asphalt or concrete, sloped to drain away from the underground storage tank.

**III.** The minimum standards for piping systems at underground storage tank facilities within the Town of Amherst:

A. The piping systems for underground storage tanks must meet the standards set forth by the New Hampshire Code of Administrative Rules Part WS 411 and the Town of Amherst requirements.

- and be
1. All underground pipes, fittings, and connections shall be made of fiberglass reinforced epoxy or galvanized steel. Steel pipes shall be schedule 40 or heavier and have an approved protective coating cathodically protected by impressed current or sacrificial anodes.
  2. All pipes shall be enclosed within a secondary containment barrier that shall be:
    - a. Water-tight.
    - b. Joints sealed against water and petroleum products.
    - c. Equipped with a continuous gas detection/monitoring system.
  3. A float vent valve shall be installed at the vent line in a tee.
  4. A line leak detector on piping systems employing a remote pumping system is required.

**IV.** The minimum standards for monitoring underground storage tanks and associated piping systems within the Town of Amherst:

A. The monitoring systems must meet the standards set forth by the New Hampshire Code of Administrative Rules Part WS 411 and the requirements of the Town of Amherst.

- liquid in the
1. Tank
    - a. The interstitial space of the double-walled tank shall be equipped with a pressure sensing device that monitors the pressure level or vacuum in the interstitial space, or a fluid sensing monitor which detects the presence of any normally dry air space.
    - b. The system will be equipped with a visual and audible alarm.
    - c. The monitoring/alarm system will be inspected monthly.
    - d. The tank shall be equipped with an automatic in-tank product volume monitoring system and high level alarm system.
  2. Secondary containment (tank and piping) : A secondary containment monitoring well shall be installed to the lowest point within the secondary containment.
    - a. The well shall be equipped with a thermal conductivity censoring system or equivalent petroleum sensor system which will detect the presence of stored product.
    - b. The system will be equipped with a visual and audible alarm.

- c. The monitoring/alarm system will be inspected monthly.
3. The proponent shall be required to maintain a daily inventory control system which shall include all incoming/outgoing transfers and monitoring inspections with results.
4. The proponent must also provide redundant backflow and overflow protection that is acceptable to the Town.
5. The cathodic protection system for the piping must be inspected monthly by the proponent.
6. If at anytime the cathodic protection system, the interstitial space monitoring system or the in-tank monitoring system are found to defective, the tank and piping system shall be immediately tested tightness.
7. The proponent shall submit a standard operating and maintenance procedure for the tank system as part of the permanent application.
8. Every six months a qualified manufacturer's representative shall conduct and/or witness the inspection of all monitoring systems with the underground storage tank and piping system.
- a. The inspection shall include but not be limited to the following:
- (i) Visual, electrical, and calibration testing of the interstitial system, all monitoring well petroleum systems/alarms, and high level alarms.
- (ii) All monitoring wells will be inspected for water/petroleum presence. If water is present in any sample will be analyzed for benzene, toluene, ethyl benzene by an EPA certified
- b. A certified inspection report shall be submitted to the Town of Amherst within two weeks of each semi-annual inspection.
9. On a monthly basis, the tank owner will inspect all monitoring systems and alarms for electrical and calibration / sensitivity integrity.
- a. The owner must maintain a log book which summarizes the results and problems (if any) that were identified by the



- owner
- b. If a system ( monitor or containment) experiences a failure, the owner must immediately notify the Town Officials and the must begin remedial/corrective action immediately.
- storage corrected.
10. In the event a spill or leak is detected, the Amherst Fire Department shall be notified immediately and all operations at the underground tank site must be discontinued until such time as the problem is
- analyses, or vapors at
11. The Town reserves the right to inspect the underground storage tank system and monitoring wells, and collect samples of water for analyze the “head space” of the monitoring wells for petroleum anytime, at the Town of Amherst’s expense.
- release, remediation.
12. The tank owner must submit to the Town of Amherst a Petroleum Release Contingency Plan which addresses identification of notification of release, emergency clean-up and site
- Baseline sampling product into the September of with a results shall be
13. Tank installations shall include a minimum of one up-gradient groundwater monitoring well and two down gradient groundwater monitoring wells outside of the secondary containment. of the wells shall be performed prior to the introduction of tank(s). At the minimum the wells shall be tested during each year or more frequently if specified in accordance groundwater monitoring plan approved by the Town. The submitted to the Town within 30 days of sampling.

**V.** The minimum standards for the installation of underground storage tanks, piping systems, and monitoring systems within the Town of Amherst must be performed in accordance with good engineering practice (GEP).

A. The installation of underground storage tanks, piping systems, monitoring systems, must meet the standards set forth by the New Hampshire Code of Administrative rules Part WS 411 and the Town of Amherst requirements.

- installation
1. The owner must submit plans, site plans, and specifications to the Planning Board for Planning Board and Fire Department review. The submissions must accurately describe the underground storage tank system and procedures and be certified by a professional engineer.
2. The installation of the underground storage tank, secondary containment, piping, monitoring system, shall be conducted under the supervision of qualified manufacturer’s representative.

3. The qualified manufacturer's representative shall submit a detailed report to the Town of Amherst certifying that the excavation, installation, pressure testing of the tank/piping system, and monitors, were performed in accordance with acceptable engineering practice and the manufacturer's specifications and conform to applicable State and local regulations.

## **AFFORDABLE HOUSING**

### **PROJECT SUITABILITY PROCEDURE REGULATIONS**

#### **PURPOSE**

The purpose of the within regulations is to provide the implementation procedure for the Affordable Housing Zoning Ordinance passed by the Town Amherst at the annual Town Meeting on March 14, 1989. Said Ordinance provides certain treatment for projects that meet the criteria set forth with respect to affordable housing and requires the Planning Board to review proposed projects as a preliminary matter to determine whether

or not they are 'suitable' within the meaning of said Ordinance. Said Ordinance also provides that the Planning Board may adopt regulations governing the process whereby the Affordable Housing Ordinance is implemented and these regulations are intended to accomplish that. In that regard, these regulations are intended to provide for a preliminary review process wherein the Planning Board will determine the suitability of a particular project. Said Ordinance also establishes a maximum number of units that may be approved in any calendar year and, accordingly, the Planning Board, in order to implement said Ordinance, must establish by regulation an appropriate procedural vehicle for the acceptance, review and approval of suitable projects having in mind the limitation imposed by the Ordinance. Said regulations are also intended to provide for certain requirements to ensure that any project approved and implemented will continue to qualify as a suitable project after it is constructed.

## **APPLICATION PROCEDURE**

**1. Time for Application:** Applicants seeking to have the Planning Board make a determination that its application is suitable within the meaning of Section 8-5 of the Town of Amherst Zoning Ordinance, may apply to the Planning Board for a review of its project pursuant to the conditions set forth herein. Said application shall be received from July 1 to December 31 in any given calendar year with the exception of calendar year 1989. During calendar year 1989, said applications shall be received during the period from May 1 to June 1, 1989. The discrepancy in filing dates for the calendar year 1989 arises from the fact that the Ordinance permitting this type of application was adopted on March 14, 1989 and an earlier filing date than the typical filing date is required in order to accommodate applications already received or contemplated. It is understood that applications will be received throughout the filing period and will not be reviewed until the filing date had expired. The reason for this aspect of the regulation is to enable the Planning Board to have all of the proposed applications in hand for review before a suitability determination is made with respect to any project.

**2. Form of Application:** An applicant desiring to apply for a suitability determination pursuant to these regulations shall make application on a form designated by the Town of Amherst Planning Board and shall contain all of the information required to enable the Planning Board to assess said proposal project with reference to the criteria set forth in section 8-5 of the Town of Amherst Zoning Ordinance. It is understood that the application process for a suitability determination under Section 8-5 is a preliminary matter and is separate and distinct from the subdivision application process and these regulations are not intended as a form of subdivision regulation. In the event that a project is found suitable, the applicant will be required to complete all formal requirements of subdivision unless such requirements are waived by the Board pursuant to Section 8-5.

**3. Required Information:** The applicant must present sufficient information to enable the Planning Board to identify the project as suitable within the meaning of Section 8-5. Such information may include, but is not necessarily limited to, a

preliminary site plan, architectural renderings, topographical maps, landscape plans showing existing and/or proposed vegetation and other information that is necessary, in the judgment of the Planning Board, to enable the Planning Board to make as judgment as to whether or not said proposal meets the criteria set forth in Section 8-5. The Planning Board and its administrative staff shall endeavor to advise applicants, when possible, during the period in which applications are received for filing of any additional specific requirements that the Planning Board feels are necessary in order to make a proper determination as to the suitability of a particular project. Failure of an applicant to provide requested information by the time of review of such application shall result in a denial of the application.

**4. Hearing Process:** It is understood that the submission of an application under these regulations for a suitability determination, constitutes a preliminary filing, but the Planning Board will not make a determination as to the suitability of a particular project unless the same is done at a public hearing with notification to abutters of the proposed project in order that it may ensure proper input from abutting property owners and other persons who may be effected by the proposed project or who have any information that would be germane to the application. No hearing on any application shall be scheduled until after the filing period deadline has occurred. Once the filing deadline has occurred and the time period for application filing has expired, the Planning Board shall schedule the applications for a hearing assuming all required information has been provided to the Board. Said hearing shall be scheduled within 120 days of the close of the filing period and the Board shall make a determination with respect to the suitability of the proposed project no later than 150 days from the close of the filing period.

## **MAXIMUM NUMBER OF UNITS**

The Planning Board is required pursuant to the terms of Section 8-5 to make a determination in January of any calendar year of the maximum number of units that it may approve pursuant to said Ordinance. For the calendar year 1989, this number shall be determined as twenty-nine (29) and the determination required by Section 8-5 shall hereafter be made in January as indicated in the Ordinance. In the event that the number of applications for dwelling units that are approved as suitable in accordance with the foregoing procedure is equal to or less than the number permitted pursuant to said limitation then, and in that event, all of proposed applicants who meet the requirements of the Ordinance and are determined to have a suitable project shall be permitted to proceed to subdivision application process. In event that the number of units that are determined to be suitable in accordance with the foregoing procedure is greater than the number that are permitted to be approved in any calendar year then, and in that event, the Planning Board may divide the yearly total among the successful applicants and allow the balance of the units identified to be suitable for the following year. In the event that the number of applications received for units pursuant to Section 8-5 is less than the permitted limit in any given year, the Planning Board may re-open the filing period, if they so choose, to permit further applications in the event that it appears to be advisable. In the event that the Planning Board, pursuant to this section, makes a determination to divide the number

of available permits among the successful applicants, the Planning Board may divide said permits in a manner which, in the judgment of the Planning Board, most clearly advances the purpose for which the Affordable Housing Ordinance was promulgated.

### **CONDITIONS OF APPROVAL**

In order to ensure that the purpose of the Affordable Housing Ordinance is met, the applicant shall be required as a condition of the finding of suitability to provide to the Planning Board a document in the form of a Declaration of Covenants or some other type of instrument satisfactory to Counsel and the Board, in form suitable for recordation in the Hillsborough County Registry of Deeds which document will encumber the property which is the subject of the application with appropriate conditions and requirements to ensure that the sale or lease of the dwelling units proposed in said application will be restricted to those persons qualified pursuant to the definition of affordable housing contained in Section 8-5 of the Ordinance. The applicant will be required to submit a proposed form of this document in the course of the application for suitability determination and no permits for the construction of any dwelling unit approved hereunder shall be granted until such time as said document has been received by the Planning Board, reviewed and approved by Counsel and the Board and is recorded in the Hillsborough County Registry of Deeds so as to restrict the property accordingly.

In the event the Planning Board determines a project not to be suitable, the Board shall make written findings of its reasons for the same and in the event that the Planning Board divides the available permits among successful applicants in a way that favors any particular application, the Planning Board shall also make findings in the record of the proceedings indicating the justification for its apportionment. 4-26-89

## **Personal Wireless Service Facilities**

(adopted 7-21-99)

### **I. Additional Application Submission Requirements — All Personal Wireless Service Facilities**

#### **A. General Filing Requirements**

1) Written statement signed by the landowner and carrier that the lease between the carrier and the landowner of the subject property contains the following provisions:

a) Land owner or carrier can enter into leases with other carriers for co-location

2) A written and signed statement from the landowner and applicant that he/she agrees that the Town may enter the subject property to obtain RFR measurements, to ensure conformance with the FCC Guidelines, and to obtain noise measurements, all at the expense of the applicant, but not necessarily accompanied by, the applicant and/or landowner.

#### **B. Location Plan Filing Requirements**

1) An area-wide map showing the other existing personal wireless service facilities in the Town and outside the Town within one (1) mile of its corporate limits.

2) A town-wide map that shows all existing and reasonably foreseen or contemplated personal wireless service facilities operated by the carrier in the Town.

3) Proof by the carrier of adequate comprehensive general public liability insurance for the proposed personal wireless service facility that provides coverage for damage or injury to persons or property caused by the carrier or its facility.

#### **C. Site Plans for all Personal Wireless Service Facilities Shall Indicate:**

- 1) Outlines of all existing buildings, including their purpose (e.g. residential buildings, garages, accessory structures, etc.) on the subject property and within three hundred (300) feet from the subject property boundary on adjacent properties.
- 2) Proposed location of antenna(s), mount(s), and equipment shelter(s).
- 3) Proposed security barrier, indicating type and extent as well as point of controlled entry.
- 4) The proposed lease area for the personal wireless service facility.
- 5) Location of all roads, public and private, on the subject property including driveways proposed to serve the personal Wireless Service facility and the type of surface proposed for the driveway.
- 6) Distances, at grade, from the proposed personal wireless service facility to each building shown on the site plan.
- 7) All proposed changes to the existing property, including but not limited to grading, vegetation removal, and temporary or permanent roads and driveways.
- 8) Representations, dimensioned and to scale, of the proposed mount(s), antennas, materials used to reduce visual impact, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

## **II. Additional Site Plan Submission Requirements - Ground Mounted Personal Wireless Service Facilities:**

Excluding the reconstruction of existing facilities, the following shall be shown on a site plan for all ground mounted personal wireless service facilities, in addition to those items listed under Site Plan Review

Regulations:

- A. Average tree canopy height within a one hundred and fifty (150) foot perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.
- B. Any proposed landscape easement that includes the bearings and distances of the easement and general conditions of the easement.

## **III Design Submittal Standards — All Personal Wireless Service Facilities**

- A. Brochures. Equipment brochures for the proposed personal wireless service facility such as manufacturer's specifications or trade journal reprints shall be provided for the antennas, mounts,

materials used to reduce visual impact, equipment shelters, cables as well as cable and security barrier, if any.

B. Materials. Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, materials used to reduce visual impact, equipment shelters, cables as well as cable runs, and security barrier, if any.

C. Colors. Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, materials used to reduce visual impact, equipment shelters, cables as well as cable runs, and security barrier, if any. Also include a picture of similar equipment.

D. Dimensions. Dimensions of the personal wire-less service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, materials used to reduce visual impact, equipment shelters and security barrier, if any.

E. Photographs. Appearance shown by at least two (2) photographic superposition's of the personal wireless service facility within the subject property. The photographic superimpositions shall be provided for the antennas, mounts, materials used to reduce visual impact, equipment shelters, cables as well as cable runs, and security barrier, if any for the total height, width and breadth.

F. Lighting. If lighting of the site is proposed, the applicant shall submit a manufacturers computer-generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five (25) feet beyond the property lines. The printout shall indicate the locations and types of luminaries proposed.

G. Co-location. Carriers shall share personal wireless service facilities and sites where feasible and appropriate, thereby reducing the number of personal wireless service facilities that are stand-alone facilities.

1) All applicants for site plan review for a personal wireless service facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes contact with all the other carriers for personal wireless services operating in the Town of Amherst or in adjoining or nearby jurisdictions.

2) If the applicant intends to co-locate or to permit co-location, drawings and studies, which show the appearance and operation of the personal wireless service facility with maximum co-location, shall be provided.

3) If the Planning Board approves co-location for a personal wireless service facility site, the site plan shall indicate how many facilities and of what type shall be permitted on that site. Facilities specified in the site plan approval shall require no further zoning approval, but shall require a Building Permit. However, the addition of any facilities not specified in the approved site plan shall require a new site plan.



#### **IV Noise Standards - All Personal Wireless Service Facilities:**

The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed personal wireless service facilities, measured in decibels Ldn (logarithmic scale, accounting for greater sensitivity at night). Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Ordinance of the Town of Amherst and such statements shall include the following:

- A. Existing, or ambient: the measurements of existing noise.
- B. Existing plus the proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.
- C. Existing plus the proposed personal wireless service facilities plus cumulative: maximum estimate of noise from the proposed personal wireless service facility plus the maximum estimate of noise from the total addition of co-located personal wireless service facilities plus the existing noise environment.

#### **V. Radio Frequency Radiation (RFR) - All Personal Wireless Service Facilities:**

The applicant shall provide a signed and stamped certificate by an RF Engineer stating that the maximum radio frequency radiation of the personal wireless service facility and the cumulative RFR of any existing personal wireless service facilities at the site will not exceed the FCC Guidelines. The FCC Guidelines shall be incorporated as part of this certification.

#### **VII Environmental Filing Requirements - All Personal Wireless Service Facilities**

A. The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch. I). The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:

- 1) Wilderness area
- 2) Wildlife preserve
- 3) Threatened or endangered species
- 4) Historical site
- 5) Native American religious site
- 6) Floodplain
- 7) Wetland
- 8) High intensity white lights in residential neighborhoods
- 9) Excessive radio frequency radiation exposure

B. At the time of application, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC. In addition, a letter of concurrence substantiating the finding of the applicant for each of the NEPA checklist items shall be provided with the site plan application.

C. The applicant shall list the location, type, and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state, or county government, or by the Town of Amherst.

## **VII. Structural Standards for Ground Mounted Personal Wireless Service Facilities, Excluding Reconstruction of Existing Facilities**

The applicant shall provide a report prepared by a licensed professional structural engineer describing the facility and specifying the maximum number and types of antennas the facility is designed to accommodate. The report shall bear the seal of the engineer that prepared the report.

## **VIII. Visibility Standards for Ground Mounted Personal Wireless Service Facilities, Excluding Reconstruction of Existing Facilities**

A. Sight lines. Lines representing the sight line showing the viewpoint (point from which view is taken) and visible point (point being viewed) as described below:

- 1) Existing (before condition) photographs. Each sight line shall be illustrated by on four inch by six-inch or larger color photograph of what can currently be seen from any public road or residential building identified above.
- 2) Balloon Test. Within fourteen (14) days of the acceptance of the site plan application by the Planning Board, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least ten (10) days prior to the test, and the test must be left in place for a minimum of two (2) days (48 hours).
- 3) Proposed (after condition) photographs. Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads and residences if the proposed personal wireless service facility is built.

B. Elevations. Siting elevations, or views at-grade from the north, south, east and west for a fifty (50) foot radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property. Elevations shall be at either one-quarter inch equals one foot or one-eighth inch equals one foot scale and show the following:

- 1) Antennas, mounts, materials used to reduce visual impact, and equipment shelter(s), with total elevation dimensions and AGL of the highest point.
- 2) Security barrier. If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.
- 3) Any and all structures on the subject property.
- 4) Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.
- 5) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

## **IX Modifications to Personal Wireless Service Facilities:**

A. Modification of a personal wireless service facility is considered equivalent to an application for a new personal wireless service facility and requires a site plan review when any of the following events apply:

The applicant and/or co-applicant wants to alter the terms of the site plan by changing the personal wireless service facility in one or more of the following ways:

- 1) Change in the number of facilities permitted on the site; or
- 2) Change in technology used for the personal wireless service facility that will affect the visible elements of the facility, or that would alter the amount(s) and/or type(s) of hazardous materials used at the facility.

B. The applicant and/or co-applicant wants to add any exterior visible equipment or additional height not specified in the approved site plan.

## **SECTION D**

### **Historic District Commission Regulations**

January 17, 1991

These regulations are promulgated under the authority of and in accordance with RSA 674 and 675.

#### **I. PURPOSES**

- 1.1 The purpose of these Regulations is to guide construction, maintenance and rehabilitation of properties in the Amherst Historic District so as to preserve the distinctive character and integrity of the district. The Regulations are intended to ensure that properties in the district